IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JEFFREY C. ROGERS,)
Plaintiff,))
v.) CASE NO. 3:12-cv-01196
CITIGROUP GLOBAL MARKETS, INC., d/b/a CITI SMITH BARNEY d/b/a SMITH BARNEY, MORGAN STANLEY SMITH BARNEY, LLC,)) JUDGE ALETA A. TRAUGER))
Defendants.	,)

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff Jeffrey C. Rogers, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, gives notice that he is dismissing this case without prejudice. In support of his Notice of Voluntary Dismissal, Plaintiff shows as follows:

- 1. This case was filed on November 19, 2012. It involves claims for violations of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. § 4301, et seq.
- Plaintiff has agreed to arbitrate his case before the Financial Industry
 Regulatory Authority (FINRA).
 - 3. The Defendants have not filed a responsive pleading in this case.

WHEREFORE, the Plaintiff gives notice of the dismissal of this case without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Respectfully submitted,

/s/ Joseph A. Napiltonia
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 23, 2012, a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Jinnifer D. Pitcher, Esq. Trish M. Higgins, Esq. Orrick, Herrington & Sutcliffe 400 Capitol Mall, Suite 3000 Sacramento, CA 995814

Counsel for Defendants

/s/ Joseph A. Napiltonia